

GENERAL INFORMATION

Applicant: John Rudd (Owner)
Roncor Construction (Contractor)

Location: 141 East 105th Street Circle

Request: Variance to reduce the rear yard setback from 30 feet to 20.4 feet for a porch addition

Existing Land Use and Zoning: Single Family; zoned Single Family Residential (R-1)

Surrounding Land Use and Zoning: Single Family Residential; Zoned R-1

Comprehensive Plan Designation: Low Density Residential

CHRONOLOGY

Hearing Examiner	07/05/2016	Public Hearing Scheduled
City Council	07/11/2016	Consent Agenda

PROPOSAL

Roncor Construction, representing John Rudd, is requesting a variance to reduce the rear yard setback from 30 feet to 20.4 feet for a porch addition at a single family home located at 141 East 105th Street Circle. A lot survey completed for the property documents the existing conditions, as well as the proposed porch expansion to the south. The proposed improvements would also include a Code complying deck. Open decks greater than five feet in height are considered a permitted encroachment, allowing for a reduced rear yard setback. The proposed 3-season porch requires a variance for a reduced rear-yard setback. The applicant has submitted affidavits of consent from the affected property owners to the south (Leonard and Lois Ford – 140 Mission Ln.), east (Eric and Rebecca Patenaude – 151 E 105th St. Cir.) and west (Preston and Jennifer Renstrom – 121 E 105th St. Cir.) for the variance request.

ANALYSIS

The subject property was platted in 1970 with a lot depth of 102.1 feet. While the subject property does meet the minimum lot size requirement, 11,000 square feet, of the R-1 zoning district, the lot depth is markedly less than the surrounding properties. The average depth of the

surrounding properties on the south side of East 105th Street Circle is 137.2 feet. The subject property has 35 feet less in depth than the average lot in the surrounding neighborhood. It should also be noted that the subject property is the only lot of such shallow depth in the neighborhood, making the lot unique in that respect.

The size and layout of the subject property and surrounding residential lots can be viewed in Figure 1. Given the limited depth of the lot and front and rear principal structure setback requirements (front yard – 30 feet, rear yard – 30 feet), there is a limited building pad for the principal dwelling. The footprint of the existing home is only 28 feet in depth.

Figure 1 – Neighborhood Parcel Boundaries



The existing principal dwelling was constructed in 1984. The proposed porch addition (192 square feet) and new deck (144 square feet) would be located in approximately the same location as the existing deck (230 square feet). Open-air decks above five feet in height may encroach into the required rear yard setback by 10 feet. Only the porch addition requires a 30-foot rear yard setback, as it is considered enclosed living area. Three-season porches are a reasonable and common improvement or amenity for single-family homes. Staff believes the proposed porch expansion is reasonable and not excessive from a size or dimensional standpoint. It should be noted that the proposed porch addition complies with the maximum amount of impervious surface (35%) allowed on properties in the R-1 zoning district.

To confirm the conditions identified in the survey, staff conducted a site visit on June 20, 2016. Photos from the site visit are found in Figure 2, which show the elevations of the home related to the proposed porch expansion. It should be noted that there is an existing concrete patio below the existing deck. According to the certificate of survey, the proposed porch and new deck would not extend closer to the rear property line than the concrete patio. The landscaped portion of the rear yard are would remain as it currently exists.

Figure 2 – Site Visit at 141 East 105th Street Circle



Rear Yard Facing West



Rear Yard Facing East

To support the requested variance for a reduced setback, the applicant has attempted to address the findings necessary for variance approval in the submitted project description. The applicant states that a three-season porch at a residential property is a reasonable use. In addition, the applicant identifies shallow lot depth as a unique circumstance not created by the landowner. Finally, the applicant stresses the size of the proposed porch addition was minimized to maintain the greatest setback possible.

Based on the proposed use of the porch addition, the size of the encroachment into the rear yard setback, and the atypical lot depth, the Hearing Examiner and staff are supportive of the variance request based on the findings that follow. It is also worth noting that the City does not have any existing drainage or utility easements that would be affected by the proposed porch addition. The neighboring property owners most affected by the proposed porch encroachment have expressed support for the variance request by submitting affidavits of consent.

FINDINGS

Variance Findings – Section 2.98.01 (b)(2)(A-C)

A) That the variance is in harmony with the general purposes and intent of the ordinance;

- A three-season porch as part of a single family dwelling is a reasonable addition to a single family home in the R-1 zoning district. The intent of the required setback is to provide usable yard area and open space, as well as separation between principal structures. While the living area of the single family home will be extended closer to

the rear property line, the usable open space in the rear yard will not be further reduced beyond the existing condition due to the present location of the existing deck and patio, both permitted encroachments. The variance is in harmony with the purpose and intent of the ordinance.

B) That the variance is consistent with the comprehensive plan;

- The requested variance would allow the single family home to have an enclosed, three-season porch, which is a reasonable improvement for single family homes in Bloomington. The proposed use is consistent with the property's land use guidance of Low Density Residential. The request is consistent with the Comprehensive Plan.

C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

- The applicant's practical difficulty in constructing a code-complying porch addition towards the rear yard is created by the shallow depth of the applicant's residential lot. The lot is 102.1 feet in depth, far below the average depth of surrounding residential properties.

Practical difficulties as used in connection with the granting of the variance, means that:

(i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

- The footprint of the existing single family home located at 141 East 105th Street Circle is 28 feet in depth. The applicant desires to construct a three-season porch addition that would extend the footprint towards the rear yard an additional 12 feet, the minimum depth needed to create a functional porch area. The proposed porch addition would be located approximately in the same location as an existing deck and above an existing patio. The open or landscaped portion of the rear yard will not be reduced due to the proposed porch addition. A 9.6 foot encroachment into a rear yard setback to construct a porch addition on a shallow lot is a reasonable use not permitted by an official control.

(ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

- The property was platted in 1970 with a lot depth of 102.1 feet, which is markedly less depth than surrounding residential properties. The limited depth of the residential lot restricts the buildable area available to the property

owner to an inordinate degree in the context of the surrounding neighborhood. The atypical lot depth represents a unique circumstance to the subject property that was not created by the landowner.

(ii) The variance if granted will not alter the essential character of the locality.

- Three-season porches are common improvements associated with single family homes. The proposed porch addition will not extend the south elevation of the home to a distance or location that would be inconsistent with the surrounding neighborhood. The open or landscaped portion of the existing rear yard area will be maintained. The requested variance will not alter the essential character of the locality.

RECOMMENDED CITY COUNCIL ACTION

The Hearing Examiner and staff recommend the following motion:

In Case PL2016-103, I move to adopt a resolution approving a variance to reduce the rear yard setback from 30 feet to 20.4 feet for a porch addition at 141 East 105th Street Circle for the following reasons:

- 1) The granting of the variances would not unduly interfere with the general intent and purpose of the Ordinance.
- 2) The granting of the variances would allow a reasonable use not permitted by the zoning ordinance.
- 3) The granting of the variances would not adversely affect the health, safety and general welfare of the residents or the public.

And subject to the following conditions:

- 1) The rear yard setback variance is only applicable to the encroachment of the planned porch addition as shown on the plans in Case File PL2016-103.